IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.No. 1504 of 2004
Date of decision : 6.11.2006.

Nasib Kaur & Ors.

.....Petitioners.

Versus

Davinder Dev & Ors.

.....Respondents.

CORAM : HON'BLE MR. JUSTICE VINOD K. SHARMA

Present : Mr. Pradip Bhandari, Advocate
for the petitioners.

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VINOD K. SHARMA,J.(ORAL)

By way of this revision petition the petitioners have challenged the orders passed by the learned Courts below rejecting an application moved by the petitioners under Order 39 Rules 1 & 2 read with Section 151 of the Code of Civil Procedure seeking an injunction against defendant No.1 from executing a decree passed in his favour.

The learned Courts below came to the conclusion that a Court of competent jurisdiction had passed a decree in favour of defendant No.1 which has attained finality. It was also observed that execution petition for enforcing the said decree was pending before the executing Court and, therefore,all the questions relating to the execution, discharge or satisfaction of the said decree have to be decided in the execution proceedings.

Even if, it is said that plaintiffs are in possession of the property in dispute, the same is to be taken in pursuance to the decree, referred to

above, and therefore, the Courts below were right in holding that the petitioners have no prima facie case in their favour and even otherwise remedy of civil suit to challenge the execution of decree prima facie may not be competent.

In view of this, there is no illegality or error in exercise of jurisdiction calling for interference by this Court in exercise of revisional jurisdiction.

Dismissed.

6.11.2006 **(VINOD K. SHARMA)**
'sp' **JUDGE**